

## **Background Information for Gifted Operating Standards “Reboot”**

### **Revised 10.2015**

#### **Timeline and History of the Gifted Operating Standards Revision Attempt in 2013**

**December 2012** – Members of OAGC met with ODE OEC staff to discuss the association’s concerns with the current standards and the process for the development of the new standards.

**April 2013** – ODE called together a Gifted Advisory Committee to discuss potential revisions. Members of the committee included experts in the field of gifted education, representatives from urban, rural, and suburban districts, gifted coordinators, gifted intervention specialists, parents of students identified as gifted. In addition, representatives from all of the main education management associations, teachers unions, counselor and school psychologist associations, and higher education were invited to participate. The charge to the committee was to develop research-based, best practice standards that would benefit gifted children in terms of both academic and social/emotional needs.

**May 2013 – July 2013** – The Gifted Advisory Committee met several times in all day meetings to revise the draft of the standards. In between meetings, members spent hours doing research, soliciting feedback from constituents and discussing options for each area. The committee used a consensus process for developing the standards and by August the committee was close to a final draft.

**August 2013** – Two committee meetings were scheduled for August. Unexpectedly, the first meeting was cancelled. At the second meeting, ODE staff provided committee members a new draft of the operating standards that bore no resemblance to previous drafts. Committee members were told that their input was no longer necessary, and the new draft would be presented to the Achievement Committee in September.

OAGC objected to the following provisions in the new draft:

- The elimination of minimum service minutes for students;
- The elimination of caseload limits;
- The elimination of time requirement for teachers;
- The language provision that allows untrained general education teachers to be gifted service providers;
- The elimination of gifted coordinator qualifications;
- The elimination of unit funding language from current standards;
- The elimination of the provision that allows ODE to remove funds of non-compliance from current standards, as stipulated in Ohio Revised Code;
- The elimination of funding parameters to ensure gifted earmarked funding was spent on gifted students;
- The failure to incorporate data collection on specific inputs to determine effect; and,
- The failure to increase scope and depth of the written education plan and a reasonable attempt to require parent signature

**September 2013** – The new draft was presented to the Achievement Committee. At that time, committee members included C. Todd Jones – Chair, Tess Elshoff, Joe Farmer, Sarah Fowler, and Ann Jacobs. OAGC representatives as well as several others presented testimony to the state board about

the major problems with the draft. While the chair expressed support for the initial draft and the move toward an outputs based system, opponents of the draft were concerned about the lack of appropriate outputs for gifted students as well as parameters to ensure that services provided met a minimum quality threshold.

**October, 2013** – Achievement Committee member Tess Elshoff attempted to introduce a compromise draft of the operating standards. Chairman Todd Jones indicated that he would not move the standards until there was a consensus of the committee and that he did not know that he supported the proposed new draft. Also, he indicated that he disagreed with a letter from (then) House Finance Chair, Ron Amstutz, that the gifted funds in the funding formula were to be used on gifted funding. Several witnesses testified at the October board meeting in opposition to the September draft.

**November, 2013** – Chairman Todd Jones introduced a new draft based on case law from 1935 regarding gubernatorial vetoes that he insisted would preclude the state board of education from requiring any funding standards or any minimum standards for service. OAGC (as well as some State Board members) disagrees with this assessment. Jones indicated to Achievement Committee members that if they amended the draft operating standards to include minimum standards for service, he would testify against the standards in JCARR and would attempt to amend the standards before the full committee by taking out other measures supported by the gifted community. He would not allow a vote to take place on funding accountability, ruling the motion out of order and unconstitutional. After several attempts at amending the November draft, the committee did not reach consensus. However, the chair put the draft to vote which passed 3 – 2. While the new draft was marginally better than the September draft there were several concerns that concerned gifted advocates:

- No funding accountability in the draft as required in Ohio Revised Code.
- An automatic sunset provision on minimum time and caseload requirements without regard to whether appropriate outputs are in place.
- Allowed coordinator services and the duties performed by the coordinator to be optional.
- Eliminated ORC language regarding service plans.
- Technical issues throughout, particularly in the instruction section.

The link to the audio file of this meeting can be found at <ftp://ftp.ode.state.oh.us/ODEMediaWeb/State Board Meeting Audio/November 2013/Nov%2011-Monday-Part%201.mp3> .

**December, 2013** – A compromise draft was developed before the December meeting by state board president Debe Terhar and board member Tess Elshoff. It was supported by a majority of the board. Todd Jones objected to the draft, however, and President Terhar pulled the draft from the voting agenda. She also ultimately decided to pull the draft approved by the Achievement Committee off the agenda for a vote. She indicated that she was requesting ODE staff to ask for an advisory opinion from the attorney general's (AG) office about what the state board could or could not do legally regarding the issue of funding accountability and staffing ratios etc.

**January, 2014** – It came to light that an ethics violation had been filed against board member Todd Jones. The complaint alleged that because Jones is the president and chief legal counsel of the Association of Independent Colleges and Universities of Ohio (AICUO), he had an inherent conflict of

interest and should not vote on matters that involve Post Secondary Enrollment Options (PSEO) or dual enrollment. The 11.11.13 draft of the gifted operating standards includes language relating to PSEO and dual enrollment as service options. Language that would have prohibited districts from charging gifted students for these programs was removed in the draft passed by the Accountability Committee, chaired by Jones. In addition, language in the mid-biennial budget review (HB 487) overhauls PSEO and dual enrollment programs and codifies funding formulas between schools, districts, and public as well as private colleges. Private colleges lobbied successfully against that provision in the bill, as they wished to increase the amount that could be charged to districts and in many cases passed through to students. President Terhar indicated that until the ethics complaint was resolved, the gifted operating standards would not be moving forward. In addition to the specific complaint against Todd Jones, President Terhar indicated that the ODE legal staff was attempting to clarify the status of other board members with regard to conflicts inherent in their employment outside the State Board of Education. Aside from Todd Jones, two other members have ties to post secondary institutions, including Mark Smith (now resigned), president of Ohio Christian University and Rebecca Vazquez-Skilling, vice president of business affairs for Otterbein University. In addition, President Terhar indicated that she was waiting for an opinion from the AG's office.

**June, 2015** – Todd Jones indicated that he was cleared by the Ethics Commission. The commission did not appear to offer any advice as to what members of the state board could vote on if they had ties to higher education.

**July, 2015** – Todd Jones announced that he had directed ODE staff to re-draft the gifted operating standards based on his clearance from the ethics violation and his opinion that the General Assembly supported his view that standards should be based on outputs. (OAGC is frankly puzzled by this opinion.) As the draft of the last standards was at the full board level, it is unclear on what authority they were moved back to the Achievement Committee for discussion. In addition, the Ethics Commission has not indicated what issues that Mr. Jones and Ms. Vasquez-Skillings should abstain voting on as board members. Finally, there has been conflicting information about whether ODE staff did indeed request an opinion on the ability of the state board to set staff ratios, minimum time requirements and funding accountability or what response the AG's office provided if a request was made.

**September, 2015** – A new draft was introduced in the Achievement Committee. The new draft eliminates almost all of the current standards and removes any level of quality control for staffing, services, and accountability. OAGC will be providing a full document of input to ODE based on best practice, research, and data from the gifted performance indicator.

### **Major Points of Disagreement between the Gifted Community and the Achievement Chair Re: Gifted Standards**

1. Inputs Vs. Outputs -- One of the major source of contention is the idea that the effectiveness of gifted services can be fully measured by output measures. As Achievement Chair Todd Jones has stated several times, he does not care if a gifted kids are educated at the "7-11" as long they are performing well. While in theory this may appear to be reasonable, in practice it falls apart for the following reasons:
  - a. The range of outputs is insufficient for gifted student achievement.
    - i. OAAs have cut scores that are too low to determine appropriate levels of high performance. Ohio has been noted nationally as having some of the worst cut scores for proficiency in the nation compared to NAEP proficiency cut scores.

- ii. PARCC exams administered for one year only so not likely to have an impact.
  - iii. Scores for new AIR exams for 2015-2016 have not been set.
- b. Outputs from exams cover a limited range of grades and subjects. Only grades 3 – 8 in math and reading are covered consistently. There are other exams in high school and in social studies and science, but they cover limited grades. There is no consistent testing in grade K-2 and 9 – 12 or in subject areas outside of math and reading. There are also no outputs for students identified in the visual/performing arts and creative thinking.
- c. Value-added scores rely on assessments that are limited and do not measure above grade level performance. There is also some question about whether one year's worth of growth is the appropriate standard for gifted students who research show can easily be accelerated to cover 1.3 years of material in a school year. Also, not all districts are assessed on value-added due to low numbers of gifted students identified. While districts over 600 ADM are penalized in the gifted performance indicator if they are identifying too few gifted students, they are not penalized in the overall value-added grade, which carries considerably more weight than the gifted performance indicator. The indicator is one of 36 indicators used in the performance indicator which makes up only 25% of the overall district achievement grade.
- d. Districts under 600 ADM have virtually no outputs or incentives to serve gifted students. As districts in small, rural districts are the least likely to be served, this is a significant problem in the equity of services across the state.
- e. As an output, the gifted performance indicator (GPI) is a welcome new tool to promote the service of gifted students. However, there are limitations:
  - i. The gifted input point section is important for measuring district gifted identification and service, but the service input points depend on quality definition of service. Without parameters specifying a minimal definition of service, anything becomes service (e.g. one-time field trip to a play). *This is a significant problem that must be addressed in the standards.*
  - ii. Districts have already begun to manipulate the points by writing WEPS (written education plans) for students as being served in the regular classroom. In many cases, students are receiving nothing more than any other student in the classroom. This is a two-fold problem. First, it is patently dishonest to indicate a student as served merely because they have a piece of paper saying they are. Second, it is impossible to determine if services are effective if some districts are reporting students as served when they are not.
  - iii. The GPI is only as good as the assessments used in the performance and growth elements of the indicator. There are major gaps in areas assessed and the assessments themselves are questionable in terms of being able to appropriately measure gifted performance and growth.
  - iv. With the moving target of when the districts are actually held accountable for anything, the GPI is not likely to factor as an accountability consideration for many districts.
  - v. The full GPI is not being used in the accountability section of determining whether districts are providing adequate services.
  - vi. There is no actual consequence for low performance of a district that continues to perform poorly on the GPI. While ORC allows ODE to require districts with other, successful districts for chronically-performing sub-groups, there has been no mention of how this will be put into operation for gifted students.

2. Qualifications of Gifted Staff – The number of qualified, licensed staff to provide administration and direct services has declined significantly over the past five to ten years. Some board members do not seem to believe that licensed gifted staff are necessary to support gifted children. This is unfortunate, as both research and practice show that general educators do almost nothing about gifted children and do little to nothing to support their needs in the classroom. Administrators with no gifted training serving as “gifted coordinators” are making decisions in many districts that are at odds with the law, research, and best practice. Simple issues such as appropriate screening tools and acceleration referrals are being badly mishandled in many districts. Gifted students now being “served” in the regular classroom are either provided with no additional instructional or curricular modifications or worse being provided with inappropriate modifications (e.g. tutoring other students as a service, doing double the same low-level work, doing homework without no instructions provided etc. ) Unless gifted students are in accelerated classrooms or are in classrooms with support from gifted intervention specialist, they are not being served.
3. Definition of Service (esp. minutes of service) – As indicated previously, without basic parameters of what actual service means, anything can be counted as service. As evidenced by the appalling current examples of service in districts (e.g. one field trip per year, WEPs on paper rather than practice, Honors classes that are no more rigorous than other courses etc.), anything can be counted as service. This area perhaps more than any other needs to be addressed in the standards. Leaving this up to local districts to decide without some minimal definition is not sufficient. The most powerful gifted output is the gifted performance indicator depends on the level of service. If part of the output is designed as the level of service provided and districts can decide that anything or nothing is service, the board makes a mockery of true accountability. Unless, the board merely wants the illusion of accountability for gifted students, the definition of service must be robust.
4. Staff Ratios -- This was a major source of disagreement in the 2013 discussion of gifted standards. There is definitely a role for minimum staffing levels with all students as well special populations. The fact that staffing ratios were maintained in the general operating standards should reinforce the need for staffing ratios for gifted professionals to be maintained at some level.
5. Gifted Expenditures – While OAGC believes strongly the ORC requires that districts spend gifted funds in the funding formula on gifted children, this was a major point of contention in the 2013 gifted standard. In fact, that the House Finance Chair wrote to the state board president to verify that the General Assembly expected districts to spend gifted funds on gifted students. The General Assembly subsequently required ODE to post district expenditures on gifted each year. Using this data against the capped gifted formula amount, it is abundantly clear that the majority of districts are not spending state gifted funding for gifted services. Districts need to be held accountable for gifted identification, gifted services, and gifted funding.

### **Changes in ORC and OAC Since 2013 that Impact the Gifted Standards**

1. ORC changes to PSEO and dual enrollment language to refer to College Credit Plus.
2. ORC language now prohibits districts from indicating that students are served unless districts are paying for those services.
3. ORC changes needed to update gifted expenditures.
4. OAC general operating standards maintained staffing ratios.
5. The Gifted Performance Indicator was implemented with interesting results. There is significantly new data about the lack of services across the state as well as huge pockets of inequity.
6. Assessments are still in flux and accountability provisions seem to be perpetually on hold.

